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Byrne Defends Right of Chicago Police to Spy on Citizen Groups

By LARRY GREEN, *Times Staff Writer*

CHICAGO—In a surprise about-face, the administration of Mayor Jane M. Byrne has defended the right of Chicago Police Department undercover agents to infiltrate lawful citizen groups and to collect data on activities protected by the U.S. Constitution.

The defense is contained in a 35-page document filed in U.S. District Court as part of the city's response to two class-action lawsuits that seek to bar further spy activities by the Police Department.

The document, filed on Christmas Eve but not disclosed until Monday, reverses almost two years of secret negotiations that were aimed at settling the two suits, which accuse the police of illegally spying on hundreds of thousands of citizens and about 800 organizations. The organizations include the Chicago Parent-Teacher Assn., the League of Women Voters, anti-war groups, independent political organizations, the Baha'i Center, the Chicago Teachers Union, the United Auto Workers and the World Council of Churches.

The outcome of the Chicago police spy case could have national ramifications, because undercover intelligence activity here is believed to have been among the most pervasive in the nation. Sanctions imposed as the result of a trial may help establish precedents for cases pending throughout the country.

Court documents already show that many community groups were infiltrated by undercover agents who were assigned to neutralize or destroy at least three of them. Other documents indicate that the police agents used a network of informants to spy on neighborhood and church groups and that undercover officers engaged in burglaries, wiretapping and other illegal activities to gather information.

Groups targeted for spying opposed the policies of the late Mayor Richard J. Daley, were critical of the Chicago Police Department or were politically independent organizations seeking some sort of local reform.

Byrne, sources said, ordered the spy defense to be prepared after she rejected a final draft of a proposed consent decree that would have prohibited all future police spy activity here except in cases in which criminal or terrorist activity was involved. The document leaves open the possibility that the city will choose to face a trial that could take at least three months and cost Chicago taxpayers hundreds of thousands of dollars.

Despite the defense document, signals from the mayor's office were unclear Monday.

Lawyers for the American Civil Liberties Union and the Alliance to End Repression said they have been told by city attorneys to "try this lawsuit."

However, Byrne said Monday that "it is premature to say the city is going to go to trial." She added that she was "totally opposed" to the kind of spy activities that thrived under Daley's rule.

Byrne also said that lawyers representing the city would resume negotiations later this week in an effort to end the six-year-old litigation. However, Matthew Piers, a lawyer for the ACLU, said the negotiating session "is news to us. They never indicated in the past that there was anything to negotiate."

Also named in the lawsuits were the FBI and the CIA. Both federal agencies agreed to out-of-court settlements late last month, and District Court Judge Susan Getzendanner approved the agreements.

Sources close to the mayor said that Byrne thought the FBI and CIA settlements were far less severe than the restrictions that proposed settlement would impose on the Chicago Police Department, and that was why she rejected the draft agreement. "This is just a bargaining tool," one Byrne associate said.